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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,549	11/30/2001	Michael C. Pak	NAIIP040/01.254.01	2631

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EXAMINER
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PERUNGAVOOR, VENKATANARAY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/006,549

Applicant(s)

PAK ET AL.

Examiner

Venkatanarayanan Perungavoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-15 and 17-28 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-15 and 17-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/12/2002</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Pg 8-13, filed 7/7/2005, with respect to the rejection(s) of claim(s) 1-23 under 35 USC § 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of EP 0893769 A1 to Hitachi, Ltd(hereinafter Hitachi).
2. Applicant's arguments regarding Claim 8 and Claim 9 are persuasive. And the rejections under 35 USC § 112 and 35 USC § 101 have been withdrawn.

### ***Response to Amendments***

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1-2, 5-6, 8-12, 14-15, 17-19, 21-22, 24, 26-28 rejected under 35 U.S.C. 102(b) as being anticipated by EP 0893 769 A1 to Hitachi, Ltd(hereinafter Hitachi).
5. Regarding Claim 1, Hitachi discloses the monitoring network communication over an network, identifying potentially malicious content in the network communications, quarantining the potentially malicious content, conditionally

delivering the network communications based on testing when the potentially malicious content is tested with the file received see Col 5 Ln 21-39 & Col 8 Ln 48-57 & Fig.8 item 801-823.

6. Regarding Claim 2, 12 and 19, Hitachi discloses the scanning for malicious content see Col 4 Ln 1-5.
7. Regarding Claim 5, 14 and 21, Hitachi discloses the electronic mail message see Col 7 Ln 30-33.
8. Regarding Claim 6, 15, and 22, Hitachi discloses the messages being identified by subject line headers see Col 7 Ln 34-45.
9. Regarding Claim 8, Hitachi discloses the cleaning of potentially malicious content see Col 9 Ln 18-30.
10. Regarding Claim 9 and 10 are rejected under the same rationale as Claim 1 above.
11. Regarding Claim 11, Hitachi discloses the monitoring network communication over an network, identifying potentially malicious content in the network communications, quarantining the potentially malicious content, conditionally

delivering after a predetermined period delay the network communications based on testing when the potentially malicious content is tested with the file received see Col 5 Ln 21-39 & Col 8 Ln 48-57 & Col 9 Ln 35-47 & Fig.8 item 801-823.

12. Regarding Claim 17 is rejected under the same rationale as Claim 1 above.

13. Regarding Claim 18, Hitachi discloses the user being the intended recipient of quarantined communications see Col 5 Ln 54- Col 6 Ln 6.

14. Regarding Claim 24, Hitachi discloses the identifying the malicious content through heuristics see Col 8 Ln 20-44.

15. Regarding Claim 26-28, Hitachi discloses the quarantining of malicious content and further notifying the recipients and placing on a list and the forwarding of the copy to recipient see Fig. 8 item 803-804 & Col 7 Ln 46-Col 8 Ln 26.

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 3 , 4, 13, 20, 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0893 769 A1 to Hitachi, Ltd(hereinafter Hitachi) in view of U.S. Patent 5,440,723 to Arnold et al(hereinafter Arnold).
18. Regarding Claim 3, 4, 13, and 20 Hitachi does not disclose the mass mailer virus nor a predetermined value used to gauge if malicious content is present. However, Arnold discloses the mass mailer virus see Col 2 Ln 14-25; the use of predetermined value to gauge if malicious content is present is also disclosed by Arnold see Col 9 Line 61-68 & Col 10 Line 53-56. It would be obvious to one having ordinary skill in the art at the time of the invention to mass mailer virus of Arnold in the invention of Hitachi in order to provide protection for the more popular virus as taught in Arnold see Col 26-30.
19. Regarding Claim 23, Hitachi discloses the monitoring network communication over an network, identifying potentially malicious content in the network communications, quarantining the potentially malicious content, conditionally delivering after a predetermined period delay the network communications based on testing when the potentially malicious content is tested with the file received see Col 5 Ln 21-39 & Col 8 Ln 48-57 & Col 9 Ln 35-47 & Fig.8 item 801-823; Hitachi discloses the messages being identified by subject line headers see Col 7 Ln 34-45; Hitachi discloses the cleaning of potentially malicious content see Col

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9 Ln 18-30; notifying of recipients and sender see Col 5 Ln 54- Col 6 Ln 6. But Hitachi does not disclose the use of predetermined value to gauge if malicious content is present. However, Arnold discloses the use of predetermined value to gauge if malicious content is present see Col 9 Line 61-68 & Col 10 Line 53-56. It would be obvious to include a predetermined value of Arnold in the invention of Hitachi in order to make anomaly detection easier as taught in Arnold see Col 5 Ln 22-26.

20. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0893 769 A1 to Hitachi, Ltd(hereinafter Hitachi) in view of U.S. Patent 5,440,723 to Arnold et al(hereinafter Arnold) further in view of U.S. Patent Publication 2001/0001156 A1 to Leppek.

21. Regarding Claim 25, Arnold does not disclose an histogram used to determine whether the predetermined threshold has been crossed. However, Leppek discloses the use of histogram to detect anomaly see Par. 0024. It would be obvious to one having ordinary skill in the art at the time of the invention to include a histogram of Leppek in the invention of Arnold in order to get a easy visual representation of the events for easy inspection by system administrator.

### ***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose


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telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor  
Examiner  
Art Unit 2132

VP  
7/19/2005

  
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